

**CHAPTER 5**

**ARTICLE 12 — INMATE PAY**

*Revised June 12, 2006*

**51120.1 Policy**

Inmates engaged in productive work may receive compensation as determined by the Secretary of the Department of Corrections and Rehabilitation (CDCR) with the approval of the Director, Department of Finance, as specified in Penal Code (PC) Section 2700.

The statutory limitation on inmate pay, pursuant to PC 2700, shall be no higher than one-half the minimum wage stipulated in Section 1182 of the Labor Code (LC). Under such authority, "pay schedules" shall be set by institutions/facilities.

**51120.2 Purpose**

This procedure establishes guidelines for uniform interpretation, application, and administration of inmate pay plans.

**51120.3 Source of Inmate Pay**

Inmates assigned to approved pay positions under an inmate pay plan will be paid from the fund or allotment of the institution's/facility's support budget or inmate welfare funds.

**51120.4 CDCR Inmate Pay Committee**

The CDCR inmate pay committee shall be comprised of no fewer than the following persons:

- One Prison Industry Manager.
- Director, Division of Adult Institutions, or designee.
- Director, Division of Support Services, or designee.
- One Associate Warden, Business Services.
- One representative of Classification Services Unit.
- Director, Division of Adult Parole Operations (DAPO), or designee.
- One representative of the Trust Office.

The Secretary shall designate one of these members to chair the committee. The committee membership shall be reviewed annually, and changes will be made on a staggered basis.

This committee shall:

- Keep the Secretary advised regarding the inmate pay program.
- Report to the Secretary, at least annually, on the need for policy changes affecting the program.
- Have responsibility and authority to monitor and evaluate the inmate pay programs of the individual institutions/facilities.
- Develop and implement the allocation of pay positions to the best advantage of CDCR and the inmate population.

Institutions/facilities shall furnish any reports and information requested by the CDCR inmate pay committee to assist the committee in program assessment.

**51120.5 Institution/Facility Inmate Pay Committee**

Wardens and the Director, DAPO, shall:

- Establish an inmate pay committee to administer the inmate pay plan within their allotted budget.
- Designate the inmate pay committee chairperson.

The institution/facility inmate pay committee shall be comprised of the following staff members:

- Designated Associate Wardens.

- Business Manager.
- Inmate Assignment Lieutenant (where applicable).
- Supervisor of Correctional Education Programs (where applicable).
- Budget Analyst.
- Representative of the Trust Office.

The inmate pay committee shall:

- Establish and review the inmate pay plan.
- Ensure that inmate pay assignments are properly classified.
- Review the appropriateness of all recommendations for inmate pay increases or reductions.
- Keep the Warden informed as to the operation of the inmate pay plan.

**51120.5.1 Hiring Criteria**

Supervisors, via the classification committee (at institutions), shall fill vacant job/training assignments based on the following factors:

- Skill. Demonstrating expertise of technical skills and knowledge.
- Behavior. Relationship with Others. Demonstrates ability to deal with authority figures, job supervisors, and other inmates.
- Attitude. Adaptability. Demonstrating willingness to learn, take directions, and orders.
- Work Habits. Punctuality, dependability, care of equipment, and safety practices.
- Formal Education/Training. Preparation for work and the ability to read, write, and speak effectively.

Assignments shall be ethnically balanced based on the eligible inmate population within the institution/facility when the mission(s) and/or physical plant design of the institution/facility permits.

Institutions/facilities shall establish an application/resume process for selection of skilled workers.

**51121.5.2 Pay Scale**

The assignment pay rate shall be based upon the technical skill and productivity required for the assignment. Inmate pay increases shall be based on the inmate's overall performance that shall be documented on CDC Form 101, Work Supervisor Report.

**51120.6 Pay Schedule**

The following are approved pay rates, which shall be used for institutions/facilities:

**Support and Inmate Welfare Funds (IWFs)**

Skill Levels and Pay Rates\*

	Minimum – Maximum Hourly	Minimum-Maximum Monthly
Level I DOT 9		
Lead person	\$0.32 - \$0.37	\$48 - \$56
Level 2 DOT 7-8		
Special Skill	\$0.19 - \$0.32	\$29 - \$48
Level 3 DOT 5-6		

Technician	\$0.15 - \$0.24	\$23 - \$36
Level 4 DOT 3-4		
Semi-Skill	\$0.11 - \$0.18	\$17 - \$27
Level 5 DOT 1-2		
Laborer	\$0.08 - \$0.13	\$12 - \$20

\*Except as designated below.

Monthly rates shall apply to full time employment in job classifications paid from the support budget or Inmate Welfare Funds.

In extraordinary circumstances, the Inmate Pay Committee may designate a wage comparable to the Prison Industry Authority (PIA) inmate pay program for such inmate pay assignments as, but not limited to:

- Plant Operations (nonclerical assignments only).
- Food service cooks.
- Special projects or assignments that require a high degree of skill or expertise.

Requests to pay inmates at the higher rate shall be directed to the Director, Division of Adult Institutions, or the Director, DAPO, for approval.

Refer to Department Operations Manual (DOM) 51130 for information regarding inmate pay in conservation camps.

Refer to DOM 51121 for information regarding inmate pay in PIA. Refer to Title 15, sections 3484 and 3485, and DOM 53140.9 for information regarding inmate pay in the Joint Venture program.

#### 51120.7 Pay and Nonpay Assignments

The Inmate Committee may designate the following inmate assignments as pay assignments (the following listing may not be representative of all current DOT job titles):

- Leadpersons (DOT Skill Level 9), under direction of the staff supervisor shall:
  - Provide much of the OJT of newly assigned inmates.
  - Assist in communicating to inmates at lower skill levels.
  - There shall be only one lead position per area, per classification, per shift.

Appointment to the assignment of leadperson requires the approval of the supervisor and the Inmate Pay Committee.

Leadpersons shall not function as assistant foreman/supervisor or be assigned control over another inmate.

- Special Skills (DOT Skill Level 7-8):
  - Automobile Mechanic 620.261-010.
  - Carpenter 860.281-010.
  - Dental Technician 079.361-018.
  - Electrician 842.261-011.
  - Electronics Mechanic 818.261-011.
  - Maintenance Mechanic 818.638.281-014.
  - Painter 840.381-010.
  - Pipe Fitter 862.281-022.
  - Plumber 862.381-030.
  - Printer 973.381-018.
  - Tailor Asteration 785.261-010.
  - Welder 810.382-010.
  - X-ray Technician 199.361-010.

- Technician (DOT Skill Level 5-6):
  - Baker 313.381-010.
  - Barber 330.371-010.
  - Boiler Operator Helper 950.382-014.
  - Butcher 525.381-010.
  - Cook 315.361-010.
  - Firefighter 373.364-101.
  - Heavy Equipment Operator 859.683-010.
  - Inmate Advisory Council Chair.
  - Lead Clerk 219.562-010.
  - Library Assistant 249.367-046.
  - Library Technical Assistant 100.367-018.
  - Sewer Plant Attendant 955.585-010.
- Semi-skills (DOT Skill Level 3-4):
  - Apprentices enrolled in a bonafide apprenticeship program.
  - Automobile Mechanic Helper 620.684-014.
  - Baker Helper 313.684-010.
  - Carpenter Helper 869.664-014.
  - Clerk 209.562-010.
  - Dog Groomer 418.674-010.
  - Electrician Helper 829.684-026.
  - Finger Cobbler 788.684-046.
  - Garbage Collector 955.687-022.
  - Groundskeeper 406.684-014.
  - Inmate Advisory Council Secretary.
  - Janitor Head 381.137-010.
  - Laborer, Boot, and Shoe 788.687-026.
  - Machine Operator 619.380-018.
  - Maintenance Mechanic Helper 899.684-022.
  - Order Filler Warehouse 222.487-014.
  - Orderly 355.674-018.
  - Painter Helper 869.687-026.
  - Plumber Helper 869.644-014.
  - Porter Head 381.137-010.
  - Sales Clerk (Handicraft) 299.477-014.
  - Service Station attendant 915.467-010.
  - Taxi Driver 913.463-018.
  - Teacher Aid 249.367-074.
- Laborer (DOT Skill Level 1-2):
  - Attendant (Dry Cleaners) 369.677-010.
  - Barber Apprentice 330.371.014.
  - Car Wash Attendant 916.677-010.
  - Construction Worker 869.687-026.
  - Cook Helper 317.687-010.
  - Dish Machine Operator 617.260-010.
  - Gardener 406.684-014.
  - Janitor (Infirmary/Hospital only) 381.687-018.
  - Janitor Kitchen 381.687-018.
  - Janitor General 381.687-014.
  - Kitchen Helper 318.687-010.
  - Laborer, Landscape 408.687-014.
  - Laborer, Laundry 361.687-018.
  - Laborer, Orchard 403.687-010.
  - Laborer, Salvage 929.687-022.

- Laborer, Stores 922.687-058.
- Laborer, Gardener 408.161-010.
- Porter (Infirmary/Hospital only) 381.6877-014.
- Porter Kitchen 318.687-010.
- Porter General 381.687-014.
- Server 311.477-026.
- Shoe Shiner 366.677-010.
- Welders Helper 869.687-026.

The institution head may establish other assignments as needed that may not be delineated above.

#### **Nonpay Assignments**

The Inmate Pay Committee shall designate the following inmate assignments as nonpay assignments:

- Inmate Advisory Council Members.
- Vocational Student Assignments (unless the inmate is enrolled in a bonafide apprenticeship program).
- Academic Student Assignments.
- As deemed by the inmate pay committee.
- Substance Abuse or Therapeutic Assignments.

#### **51120.8 Inmate Pay Increases/Reductions**

Inmate pay increases shall not be automatic or based on the inmate's longevity in an assignment. Inmate pay increases or reductions shall be based on the work/training supervisor's recommendation and the inmate's work/training performance reports, subject to review and approval of the inmate assignment authority.

Inmates may only receive a pay increase on a quarterly basis until their maximum pay rate for that assignment is obtained.

When the inmate is given a new assignment that requires a higher skill level than that of the inmate's previous assignment, the inmate shall not initially be paid less than the amount the inmate received for the previous assignment unless the new assignment is designated as a nonpay assignment.

#### **51120.9 Movement Between Pay Positions Assignments**

Changes from one pay rate to a higher pay rate shall be based upon the:

- Recommendation of the supervisor and the approval of the Inmate Pay Committee and the Inmate Assignment Lieutenant.
- Work history as reflected in performance reports.

Inmates approved for advancement to a higher skill classification shall enter the new classification pay grade equal to or greater than their present pay grade in the lower skill.

Inmate performance ratings and total hours in job categories shall be available for review when changes in job classifications are being considered.

An inmate's pay rate shall not be reduced nor shall the inmate be removed from pay status except for causes reflected in reports for inclusion in the inmate's C-File. When the cause is for misbehavior including willful refusal or failure to work as directed, the matter will be reported as a disciplinary offense on a CDC Form 115, Rules Violation Report. A finding of guilty to the charge may be accepted as authority to reduce the inmate's pay rate or remove the inmate from pay status, without regard for any other penalty imposed at the disciplinary hearing. Such a rate reduction or removal shall be taken within ten days of the disciplinary action.

Excluding transfers, when the cause for an inmate's reduction in pay rate or removal from pay status results from no fault of the inmate, including inability to satisfactorily perform the

assigned job after a reasonable effort to do so, the non-disciplinary cause shall be reflected as such on a CDC Form 128-B, General Chrono, for inclusion in the inmate's central file.

#### **51120.10 Performance Appraisals**

Mandatory quarterly performance grading shall be submitted by the immediate supervisor on a CDC Form 101, Work Supervisor's Report, based on the following criteria:

- Demonstrated skill and knowledge.
- Observed work habits.
- Attitude toward:
  - Fellow inmates.
  - Staff.
  - Job.
- Learning ability.
  - Awareness of new procedures and methods.
  - Alertness and perseverance.
- Quality of work.
- Quantity of work.
- Care and use of tools and equipment.
- Recommendation for step increase in authorized pay.

Based on the above, the inmate may be recommended for a step increase in authorized pay, to reviewed by the Inmate Pay committee for appropriateness.

Receiving an unsatisfactory CDC Form 101 shall be grounds for referral to an institution/facility classification committee for program change.

#### **51120.11 Absences**

Inmates shall report to their place of assignment at the time designated by the facility's/CCF's schedule of activities and as instructed by their assignment supervisor. Inmates shall not leave an assignment without permission to do so. Unauthorized absences shall result in no credit earning for the entire day. The CDCR Form 1697, Inmate Work Supervisor's Time Log, shall reflect the time period of the unauthorized absence.

Under no circumstances shall inmate pay be granted for time not worked California Code of Regulations, Title 15, Section 3041(b)(2).

#### **51120.12 Timekeeping Documents**

All timekeeping documents shall be maintained under lock and key. Inmates shall not have access to any timekeeping documents, pursuant to DOM 53130.

Timekeeping for pay purpose is documented on various time logs including, but not limited to, the following:

- CDC Form 190, Inmate Payroll.
- CDCR Form 1697, Inmate Work Supervisor's Time Log.

Work supervisors shall be responsible for:

- Keeping continuous daily records.
- Accuracy of timekeeping.
- Entering total hours worked daily.
- Completing and signing documents at the end of each month.
- Submitting payroll documents to the division head responsible for work projects.

#### **Time Logs**

If the inmate leaves the pay assignment or is reassigned during the calendar month, the work supervisor shall immediately close out the CDCR Form 1697, Inmate Work Supervisor's Time Log, and payroll log for the inmate and submit it to the division head.

**Accounting Officer**

Monthly, the facility/CCF accounting office, after auditing the time log, shall separate inmate payroll on a CDC Form 190-B, Inmate Pay/Work Project Claim Certification, for each fund from which inmate wages are to be paid.

**Trust Office**

Payroll documents shall be delivered to the trust office. Trust office staff shall post the earnings to the inmate's trust account.

**51120.13 Revisions**

The Chief Deputy Secretary, Adult Operations, or designee shall be responsible for ensuring that the contents of this Article are kept current and accurate.

**51120.14 References**

PC §§ 2700 and 2811.

LC § 1182.

DOM §§ 51121, 51130, 53130, and 53140.9.

Title 15 §§ 3041, 3484, and 3485.

United States Department of Labor DOT.